

were with us today, and the volunteers from the community, working with the corporate executives, working with the Members of the Senate. It was really, really gratifying.

The Congress participates and works with the administration. We provided \$27 million this year for the Self-Help Homeownership Opportunity Program, SHOP. Under this grant program, homeowners contribute significant amounts of their own volunteer labor to the construction or to the rehabilitation of a property. President Bush requested \$67 million next year for this particular program, SHOP, Self-Help Homeownership Opportunity Program.

The 108th Congress passed and President Bush signed the American Dream Downpayment Act of 2003. That is going to help over 40,000 families a year with their downpayment and closing costs and further strengthen our housing market all over the country. Seeing the Senate in action, as we hammered and nailed and put the siding up, made me realize how much this body does do and cares in terms of eliminating poverty housing in America. I hope that demonstrates our commitment to that goal and our continued commitment for affordable housing throughout America but in particular for low-income American families.

#### UNBORN VICTIMS OF VIOLENCE

Mr. FRIST. Mr. President, the rest of today was spent on a very important initiative that was really long overdue. That was addressing the issue of the Unborn Victims of Violence Act.

I very much appreciate the Democratic leadership working with us to have a unanimous consent agreement today where we could begin this morning and continue straight through in a very orderly way, have very good debate, very good amendments on the floor of the Senate, and then, 8 hours after we began, to come to a conclusion with a vote that will have a huge impact, an impact on victims of violence that were protected in some States but in many States were not.

The issue at hand really boiled down to that single question, that when a pregnant woman is murdered along with her unborn baby, is there one victim or are there two? All of this is very simple. It is simple to me in terms of understanding it, but also simple in that it applies so directly to humanity.

There is a case that I never talked about on the floor today. It came to mind this afternoon in a press conference later where there were four families that were victims of violence, and they told their stories. It was very powerful. I am not sure if it was captured by the news cameras there or not, or if many people will see it—very powerful stories.

But it did remind me of a story, a recent case in my own State of Tennessee. It was an early morning in January, and two young men gunned down Tracey Owens on an empty street in

south Nashville. Tracey was between 38 and 40 weeks pregnant, just about ready to deliver, could have delivered any day. The perpetrators said they believed they had hit the pregnant woman with their truck and they were afraid they would get in trouble. So they stopped and they got out, and as Tracey was laying there crying out for help, one of the assailants just looked at her and said: Here is your help. And with that, he shot her in the abdomen, actually shot her five times with a .22-caliber pistol. One of those bullets actually hit the baby and she was about ready to deliver.

After murdering Tracey and her unborn baby, the two men went back to an ex-girlfriend's apartment. They cleaned the weapon off, and then they fell asleep. They were picked up after a motorist found Tracey's body and a witness at the scene told investigators they had seen the two men shooting at parked cars. Investigators quickly found the culprits, and they quickly confessed. The perpetrators now sit in jail awaiting the grand jury.

A police detective in the case said: In my 22 years on the job, I have never seen anyone executed—and I mean executed—because someone thought they had hit the person with a vehicle.

Tennessee is one of 29 States with a fetal homicide law on the books. So then the question arises, was Tracey's baby, who was only days away from delivery, also slain? That is what this bill was about today. That is what this act was about. That is why it is so important that this body responded and responded so positively with the final vote, now just an hour or an hour and a half ago. The answer to that question to me is simple. I think it is simple. Ultimately, no matter how you voted today, the answer is straightforward.

The reason why I use this example is because it is so obvious. You only have to look at the autopsy results themselves. The medical examiner did not examine just Tracey alone; she examined the baby as well. Indeed, that is how we know that the baby was shot by one of those five shots. That little baby was hit. And common sense tells us that in examining the murder victims, the coroner was faced not just with one dead body but with two dead bodies.

We have groups such as the American Civil Liberties Union which opposed the bill, the Unborn Victims of Violence Act. They said that counting two victims is a "dangerous attempt to separate a woman from her fetus in the eyes of the law." In other words, they tried to cast this as an abortion issue.

One of the wonderful things about the discussion today is that everytime someone tried to cast it as an abortion issue, that was debunked and was made very clear that this is not an abortion issue.

When a husband intentionally punches his expectant wife in the abdomen with the express purpose of causing a miscarriage, it is he who is separating the woman from the fetus.

I would argue that when a boyfriend tires of his pregnant girlfriend and hires an assassin to dispose of the girlfriend and the baby, he is killing two human beings. One may even argue that the baby is in fact—and many times is—the primary target.

But we don't need to examine the motives of the perpetrators in these real life cases to reach those conclusions. Even if an assailant is unaware of his victim's pregnancy, should he, the perpetrator, decide whether or not the baby exists? Should we accept that because he didn't know when he was killing one person he was snuffing out the life of a second, there is no second crime?

The Unborn Victims of Violence Act does. And now we know it is going to go to the President. This was the exact same act that passed in the House of Representatives and, thus, we know there is no stopping this one. It is going to go to the President. This act protects the rights of the baby to come into this world as the mother intends, and it holds the criminal responsible for endangering the life and the health of the child.

We did have an amendment today from the senior Senator from California that was offered that said it was sufficient to add special penalties for attacking a woman who is pregnant. Indeed, it really pushed aside the intent of the underlying bill and said it is sufficient to add special penalties for attacking a woman who is pregnant. And tougher laws will assuage the feelings of the devastated family and compensate the mother for her sense of loss. All of that misses the point, the heart and soul of this underlying legislation. The harmed child is not notional. The harmed child is not a sense. The harmed child is not an emotion. The baby is real and the loss is real.

Again, I wish my colleagues could have heard today the four families who suffered such real and tragic losses. The second life has been harmed, whether intentional or not. Verbal evasions and euphemisms simply cannot hide this plain fact. I think about an expectant mother, her excitement about her family, her future family, how she starts to show, and even strangers, when she walks by, begin to smile and ask, "When is the baby due?" You cannot help but think of friends who are throwing showers or the metro rider who stands up and offers his seat for that expectant mother.

Our natural reaction is to celebrate the miracle of life and offer our love and compassion, not for a theory, or a theoretical baby, but for an actual baby—a baby we hope will be born and will be healthy.

Well, this act, the Unborn Victims of Violence Act, which now is going to be the law of the land, recognizes the simple reality. It is not about abortion, as its opponents took great pains to argue but which was debunked today. It doesn't undermine the 1973 *Roe v. Wade* Supreme Court decision, as even pro-

choice legal scholars admit. The Unborn Victims of Violence Act is about simple humanity, simple reality.

A child in the womb, whether you call it a baby or a fetus, is alive, it is real, and it deserves our best efforts to protect it from criminal harm, and with the action of this body today, and with the action of the House of Representatives in the past, this act will become the law of the land, soon to be signed by the President of the United States.

#### ORGAN DONATION

Mr. FRIST. Mr. President, it has been a satisfying day. Shortly, I will finish the day with a third issue which means a great deal to me. I will be asking unanimous consent for action on a bill that promotes organ donation, and for other purposes. I would like to close on that third topic.

The bill is called the Organ Donation and Recovery Improvement Act. For the 10, 12, to 15 years before I came to the Senate, that is what I had the privilege of doing, transplanting hearts and lungs together, for end stage disease, for people who would otherwise die but had the opportunity and blessing to be able to have taken out those diseased organs—out of somebody who otherwise would die usually within 3 to 6 months, and replace those with organs that would allow them to live 10, 15, 20, or 40 years.

It is marvelous what American medicine and science can do generally, but also that the good Lord allows that miraculous procedure to happen today. It was only imagined not too long ago.

This particular bill, which we will be passing shortly, represents the most significant reforms to organ donation in over a decade. It improves research, improves public awareness, and helps us improve the process, which makes organ transplantation possible. It is not hard to take the diseased organs out. The real challenge we have is finding the available, appropriate organs to transplant, actually implant into that chest. That is the shortage. People are dying every day, waiting for a heart, waiting for a lung, waiting for kidneys, a liver, or a pancreas, and the problem is the shortage of donors. But in truth, there are plenty of donors out there. It is how you get this potential supply to meet this huge demand. Right now, the supply is too small. When the demand is high, all these people are dying. If we increase the supply, these people begin to live. It is as simple as that. This legislation moves us in that direction.

I want to applaud the work of Senator CHRIS DODD, our colleague from Connecticut, who helped lead the fight to pass this legislation in the Senate, and also our colleague from New Hampshire, JUDD GREGG, chairman of the Health, Education, Labor, Pensions Committee, for his support. This particular bill that will pass tonight was passed by the House of Representatives yesterday. I recognize the leadership of

Representative BILIRAKIS and BILLY TAUZIN, who have been instrumental in leading this initiative in the House.

Organ donation is one of the most challenging issues we face today because of this supply-demand issue. The real supply is bigger than the realized supply, and that is what this bill sets out to achieve. About 82,000 to 84,000 people are waiting today for an organ to become available. Many will become available tonight—hopefully, a lot—tomorrow, and every day. But it is not enough. You have people dying.

I will be speaking principally, using figures on America, the U.S. While organ donations increased by 7.5 percent since 2002, it is a small increase. The 84,000 people waiting have far outstripped that in terms of the number of people added to the waiting list. By improving public awareness to encourage organ donation, we literally save lives, hundreds and thousands of lives.

This legislation takes a comprehensive approach. It will not solve the problem, but it is a comprehensive approach to increase organ donation and, at the same time, improving the overall efficiency of the organ donation process. I believe patients and families will soon benefit from this very important legislation tonight.

#### AMENDING THE PUBLIC HEALTH SERVICE ACT TO PROMOTE ORGAN DONATION

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3926, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3926) to amend the Public Health Service Act to promote organ donation, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3926) was read the third time and passed.

#### LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

On October 21, 2000, in Fort Worth, TX, a 17-year old high school student was hospitalized after two peers alleg-

edly attacked him in a parking lot. The young assailants beat the victim and scratched anti-gay slurs into his car. The victim suffered a broken nose and numerous other injuries, including blood clots on his brain.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

#### HONORING OUR ARMED FORCES

SPECIALIST CHRISTOPHER E. HUDSON

Mr. BAYH. Mr. President, I rise today with a heavy heart and deep sense of gratitude to honor the life of a brave young man from Carmel, IN. Specialist Christopher Hudson, 21 years old, died in Abu Ghraib, just west of Baghdad, on March 21, 2004, during an attack when the Humvee he was riding in was struck by an improvised explosive device.

After joining the Army in November of 2002, Chris was assigned to the 2nd Battalion, 12th Cavalry Regiment, 1st Cavalry Division based in Fort Hood, TX. Chris served as a gunner during his deployment, which began when his unit joined the efforts in Iraq one year ago. With his entire life before him, Chris chose to risk everything to fight for the values Americans hold close to our hearts. In a land halfway around the world.

Chris was the twenty-fifth Hoosier soldier to be killed while serving his country in Operation Iraqi Freedom. This brave young soldier leaves behind his father; his mother, Sally; his wife, Michelle; his 1-year-old son, Gavon; and 3-year-old daughter, Veronika. May Chris' children grow up knowing that their father gave his life so that young Iraqis will some day know the freedom they enjoy.

Today, I join Chris' family, his friends, and the entire Carmel community in mourning his death. While we struggle to bear our sorrow over his death, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of Chris, a memory that will burn brightly during these continuing days of conflict and grief.

When looking back on the life of her late husband, Chris' wife Michelle told the Indianapolis Star that he "was proud to defend his country . . . His family loves him, misses him and is very proud of him." Today and always, Chris will be remembered by family members, friends and fellow Hoosiers as a true American hero, and we honor the sacrifice he made while serving his country.

As I search for words to do justice in honoring Chris' sacrifice, I am reminded of President Lincoln's remarks